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May 28, 2002

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 7th Street, SW
Washington, DC 20590
FAA – 2002 - 11301

This is to submit comments in reference to the February 28, 2002 Notice of Proposed Rulemaking concerning the Federal Aviation Administration's antidrug and alcohol misuse prevention programs for personnel engaged in specified aviation activities.

DATIA is a 1,100-member national trade association representing the full spectrum of drug and alcohol testing service agents including laboratories, collection sites, C/TPAs, BATs, MROs, SAPs, and on-site testing device manufacturers.

DATIA appreciates the opportunity to provide comments on this proposed rulemaking on behalf of our members. Our comments are as follows.

Proposed Principal Changes – Appendix I

Section II – Definitions

DATIA approves of the change to clarify that an employer may use a contract employee, who is not part of that employer's drug and alcohol testing program, to perform safety –sensitive duties only if that contract employee is subject to the requirements of the contractor's FAA-mandated drug and alcohol testing program and is performing work within the scope of employment with the contractor. DATIA suggests, however, that language be added to the final rule to require documentation that a contract employee is enrolled in the contractor's FAA mandated drug and alcohol testing program. Similar language occurs in §382.301 (c) (2) of the Federal Motor Carrier Safety Administration regulations.

Section V – Types of Testing Required

DATIA approves the proposal to require a negative pre-employment test result prior to hiring or transferring an individual to a safety-sensitive position.

DATIA supports the proposal to require another pre-employment drug test if more than 60 days have elapsed between the time of the drug test and placement in a safety-sensitive position. DATIA shows that the majority of positive drug test results occur as a result of pre-employment testing, and DATIA feels that this type of test is the most effective in detecting users of drugs of abuse.

DATIA supports the removal of the periodic drug-testing requirement.

DATIA supports the proposal to allow employers of contract employees to make reasonable cause determinations on contract employees who are performing safety-sensitive duties on the employer's premises and under the supervision of the employer.

Section IX – Implementing an Antidrug program

DATIA approves the proposal to eliminate the requirement for antidrug plan approval, and replace it with the Antidrug and Alcohol Misuse Prevention Program Operations Specification.

DATIA supports the proposal to eliminate the 60-day timeframe for employers to ensure that contractors who perform safety-sensitive duties are subject to an antidrug program. This should be done before contracting with the contractor.

DATIA feels that the table format of this section is easier to understand.

Proposed Principal Changes – Appendix J

Section III – Tests Required

DATIA supports the proposal to allow employers of contract employees to make reasonable cause determinations on contract employees who are performing safety-sensitive duties on the employer's premises and under the supervision of the employer.

Section VII – Implementing an Antidrug program

DATIA approves the proposal to eliminate the Alcohol Misuse Prevention Certification Statement, and replace it with the Antidrug and Alcohol Misuse Prevention Program Operations Specification.

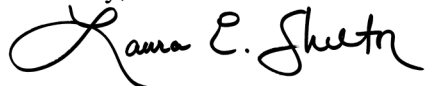
DATIA supports the proposal to eliminate the 180-day timeframe for employers to ensure that contractors who perform safety-sensitive duties are subject to an antidrug program. This should be done before contracting with the contractor.

DATIA feels that the table format of this section is easier to understand.

We thank you for the opportunity to provide these comments. Overall, we feel that the changes proposed will enhance the FAA's antidrug and alcohol misuse prevention programs. Specifically, tightening the pre-employment testing requirements and assurances of contractor participation in antidrug and alcohol misuse prevention programs will assist in ensuring safe air travel.

Please feel free to contact me should you have any questions on DATIA's comments or seek further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura E. Shelton". The signature is fluid and cursive, with the first name "Laura" being more prominent.

Laura E. Shelton
Executive Director